IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14449 of 1997

Between:

G.Sudhakar Reddy S/o.Narayana Reddy
R/o.Brahmanwadi, Narayanpet, Mahaboobnagar

..... PETITIONER

AND

1 The Commissioner of Collegiate Education A.P., Hyderabad
2 The Secretary and Correspondent S.L.Degree College, Narayanpet Mahaboobnagar District
3 Sri Suryakanth, Junior Assistant S.L.Degree College, Narayanpet Mahaboobnagar District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the first respondent in not approving the recommendations of the DPC of second respondent college held on 09/11/96 for promoting the petitioner as Senior Asst and communicated by the second respondent through Lr.No.818/SLDC/E1/1996-97 Dt.28/02/97 for approval and to admit into grant in aid from the date of passing all the required departmental tests and directing the second respondent to consider the claim of the third respondent as Senior most Junior Asstt for promotion as Senior Asstt. by obtaining clearance from the DPC through the impugned Lr.L.Dis.No.361/PC3/95, Dt.20/05/97 as totally illegal and without jurisdiction and violative of Art.14 and 16 of the Constitution of India and consequently direct the respondents to promote the petitioner as Senior Asstt. by ratifying the recommendations of the DPC held on 09/11/1996 with all consequential benefits and pass such other order.

Counsel for the Petitioner:MR.S.LAKSHMA REDDY

Counsel for the Respondent Nos.1 and 2: Standing Counsel for the Collegiate Education.

Counsel for the Respondent No.3: MR.M.NARENDER REDDY

The Court made the following :

O R D E R:

1. This writ petition is filed by the petitioner aggrieved by the Proceedings in R.C.No. 361/PC3/95 dated 20-05-1997, issued by the

1st respondent in rejecting the recommendations of the Departmental Promotion Committee (DPC) dated 09-11-1996, where the petitioner's case was recommended for promotion to the post of Senior Assistant as he has already been working in the said post, though he was admitted to the grant-in-aid in the post of Junior Assistant for want of passing of the Departmental Test. But it is stated that the petitioner subsequently has passed the departmental test in March, 1993.

2. According to the petitioner, from the inception of the college, he was appointed as a Senior Assistant though subsequently, from the date when grant-in-aid was sanctioned to the college for want of passing of the departmental test, the petitioner, though continued for all practical purposes as Senior Assistant, but he was shown for the purpose of admission of grant-in-aid as Junior Assistant. According to the petitioner, the claim of these Junior Assistants including the petitioner, who has been working as a Senior Assistant was considered and the DPC recommended the case of the petitioner for promotion as Senior Assistant as he has been working as such apart from the fulfillment of the requirements by passing the required departmental test. But, however, the 1st respondent rejected the case of the petitioner and directed to consider the case of the 3rd respondent for promotion to the post of Senior Assistant even though, admittedly, he was Junior to the petitioner and was continuing as a Junior Assistant only. In addition that, he passed the departmental test only in July, 1993. But the petitioner has passed the said departmental test in March, 1993. Therefore, the learned counsel contended that the 1st respondent was not justified in not accepting the recommendations of the DPC and in fact, remitting back the issue to the DPC for the purpose of recommending the case of the 3rd respondent treating him as senior most Junior Assistant. The said action of the 1st respondent is clearly illegal and contrary to the factual data.

3. At the time of hearing, it is represented by the learned counsel for the petitioner that on behalf of the 3rd respondent, counter has been filed conceding the claim of the petitioner that he is senior to the 3rd respondent and in fact, the petitioner is eligible for being promoted in view of his seniority apart from the fact that he has been working as a Senior Assistant.

4. Heard the learned counsel for the petitioner and the 3rd respondent.

5. It is an admitted fact that the petitioner has been working as a Senior Assistant from the date of the inception of the college as well as on the date when the college was admitted to grant-in-aid. But unfortunately, the petitioner was not granted the Senior Assistant scale after the college was admitted to grant-in-aid for the reasons that the petitioner did not pass the required departmental test, though he passed the same subsequently in the month of March, 1993 . The learned counsel for the 3rd respondent also conceded that admittedly, the petitioner is senior to him. Therefore, the action of the 1st respondent is not just and proper.

6. Under the above circumstances, the impugned order dated
20-05-1997 of the 1st respondent is set aside and the 1st respondent is directed to consider the recommendations of the Departmental Promotion Committee as per proceedings dated 09-11-1996, recommending the name of the petitioner for promotion to the post of Senior Assistant.

7. The Writ Petition is accordingly disposed of. No costs.

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S.ANANDA REDDY,J.

19-08-2004.

Mjl/*

ASSISTANT REGISTRAR

To

1 The Commissioner of Collegiate Education A.P., Hyderabad
2 The Secretary and Correspondent S.L.Degree College, Narayanpet Mahaboobnagar District

3 2 CD copies.